

# WORK IN PROGRESS

## Lincoln Erosion and Sediment Control (E&SC)

### Terms and Definitions

August 1, 2006

- a. **“Best Management Practices”** (hereinafter referred to as “BMP”) means those practices as described in the most current edition of the [“Nebraska Construction Best Management Handbook”] or as otherwise set by the Director of Public Works.
- b. **“Builder”** means a person, group of persons, or corporate entity who intends or engages in construction of residential, commercial, municipal or other structures, including but not limited to buildings, roads, bridges, or other structures that require land disturbance.
- c. **“City”** means the City of Lincoln, Nebraska.
- d. **“Construction site control measure”** means a control measure used to meet the requirements of [Code Section] of this ordinance or otherwise improve the site with respect to erosion control.
- e. **“Control measure”** means a practice or combination of practices to control erosion and attendant pollution.
- f. **“Control plan”** means a written description of the number, location, size, and other pertinent information of control measures designed to meet the requirements of this ordinance submitted by the applicant for review by the Director of Public Works.
- g. **“Developer”** means a person, group of persons, or corporate entity who owns a parcel of land and intends to and engages the process of land disturbance for the purpose of building residential, commercial, or government buildings.
- h. **“Director of Public Works”** means the City of Lincoln Director of Public Works or his/her designee.
- i. **“Drainage Way”** means any natural or artificial watercourse, trench, channel, ditch, swale or similar depression into which surface water flows.
- j. **“Erosion”** means the detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.
- k. **“Illicit Discharges”** are discharges of pollutant substances in runoff, including eroded soil and sediment, into surface waters such as streams, ponds, and/or lakes.
- l. **“Land developing activity”** means the construction of buildings, roads, parking lots, storage areas and similar facilities.
- m. **“Land disturbing construction activity”** means any man-made change of the land surface including removing vegetative cover, excavating, filling and grading; but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications.
- n. **“Landowner”** means any person or entity holding title to, or having an interest in land.
- o. **“Land user”** means any person or entity operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his/her land.

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- p. **“NOI” Notice of Intent:** the application form initiating the permit application for development and construction activity that is submitted to the State for review and approval.
- q. **“NOV” Notice of Violation:** the written warning that a failure to comply with City Municipal Code has occurred and must be corrected.
- r. **“NPDES”** Nebraska Pollution Discharge Elimination System is the permit required for sites that may discharge pollutant substances, including sediments eroded from construction sites, into surface waters such as streams, rivers, ponds, and lakes.
- s. **“Public Right-of-Way”** means any street, alley, sidewalk, public way or public ground within the City.
- t. **“Runoff”** means the rainfall, snowmelt, or irrigation water flowing over the ground surface.
- u. **“Site”** means the entire area included in the legal description of the land on which the land disturbing or land development activity is proposed.
- v. **“Small Site”** means a parcel of land less than one acre that is part of a larger site of development.
- w. **“SWPPP”** Storm Water Pollution Prevention Plan: the plan that must be prepared as part of the NOI and construction general permit that provides information regarding the measures that will be used to minimize erosion and prevent sediment from being deposited off site and/or into surface waters.
- x. **“Stop Work”** is the penalty that can be enforced to builders and/or developers for failing to comply with regulatory requirements of their permit, including failure to comply with erosion and sediment control requirements. The Stop Work penalty means that no further work can be completed on a construction site until the violation or compliance failure cited to the builder is corrected, with the exception of measures to correct the violation.
- y. **“Revocation of Permit”** is the suspension of a permit, such as a construction general permit or building permit, if repeated violations or failure to correct violations occur.
- z. **“Certified Professional in Erosion and Sediment Control (CPESC)”** means an individual who is currently holding such certification as issued by CPESC, Inc., or other Person holding a state license or City certification authorizing them to prepare and submit an Erosion and Sediment Control Plan.
- aa. **“Code”** means the City of Lincoln Municipal Code.
- bb. **“Erosion and Sediment Control Standards”, or “Standards”** means the Erosion and Sediment Control design criteria and specifications adopted in writing by the Director of Public Works.
- cc. **“Permit”** means a Building Permit for construction of a building, Site Development Permit, Land Disturbance Permit, or Right of Way Permit.
- dd. **“Permit Holder”** means the owner or contractor who is issued a Permit pursuant to Title
- ee. **“Person”** means any individual, business, partnership, corporation, association, organization or legal entity of any kind including governmental entities.

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- ff. **Pollutant"** means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954 as amended, 42 U.S.C. 2011 et seq, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.
- gg. **"Sediment"** means any solid material, organic, or inorganic, which has been deposited in water, is in suspension in water, is being transported or has been removed from its site of origin by wind, water, ice or gravity as result of soil Erosion. Sedimentation is the process by which eroded material is transported and deposited by the action of wind, water, ice or gravity.
- hh. **"Storm Sewer System"** means any conveyance or system of conveyances for Storm Water, including road with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, as well as any system that meets the definition of a municipal separate Storm Sewer System or "MS4" as defined by the Environmental Protection Agency in 40 CFR 122.26.
- ii. **"Stormwater"** means Stormwater runoff, snowmelt runoff, and surface runoff and drainage.
- jj. **"Water Bodies"** means surface waters including rivers, streams, lakes and wetlands, including all areas designated by the federal government as a Water of the United States.
- kk. **"Water Quality Impact"** means any flow or introduction of pollutants that are considered to have the potential to cause negative impacts to water bodies or has the potential to contribute pollutants to the environment.